

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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VIA ECF

September 16, 2022

The Honorable Sarah Netburn, U.S. Magistrate Judge
 United States District Court for the S.D.N.Y.
 Thurgood Marshall U.S. Courthouse, Room 430
 40 Foley Square
 New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

The Plaintiffs Executive Committees (“PECs”) write in response to the Court’s September 9, 2022 Order, ECF No. 8515. In that Order, the Court directed the PECs “to submit a letter stating (1) if there is any reason that [former Taliban leader Mullah Muhammad] Omar’s death should not be noted on the record pursuant to Rule 25(a)(2); (2) when the relevant plaintiffs will file motions substituting the proper party for Omar; or (3) indicating if dismissal of claims related to Omar is appropriate given his apparent death.” The PECs have reviewed the docket to determine in which cases Mullah Omar is named and have sought to address the matter with plaintiffs’ counsel in those cases. Following those discussions, the PECs respond to the Court’s three inquiries as follows.

First, the PECs agree that Mullah Omar appears to be deceased and are unaware of evidence indicating the contrary; accordingly, the PECs have identified no reason that Mullah Omar’s death should not be noted on the record pursuant to Rule 25(a)(2).

Second, because the members of the PECs have no information regarding who may be substituted as a proper party for Mullah Omar, we do not intend to file a motion for substitution.

Third, given Mullah Omar’s apparent death and the absence of information regarding an appropriate substitution party, the PECs’ consider it appropriate for the Court to dismiss the claims related to Mullah Omar without prejudice.

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Finally, the PECs are of the view that the claims of the various plaintiffs against the Taliban, however, should be maintained. The PEC for the Wrongful Death and Personal Injury claims ask that the Court continue to assess promptly the motions for default judgments that have been and will soon be filed before the Court; and once all of the previously filed motions are refiled, which we anticipate to be within the next two weeks, we ask that the Court meet with the parties to address how those motions can be reduced to final judgments using a process that ensures that all of those claims are able to proceed on equal footing with one another.

Respectfully submitted,

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cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF